

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

ORDER OF JUDICIAL REMOVAL

- against -

Criminal Docket No. 23 Cr. 651 (GBD)

JOSE ALTAGRACIA AQUINO SUAREZ
Defendant.

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Upon the application of the United States of America, by Jonathan L. Bodansky, Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of JOSE ALTAGRACIA AQUINO SUAREZ, (the "defendant"); and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native and citizen of the Dominican Republic.
3. On October 25, 2011, the defendant was convicted in the United States District Court, Southern District of New York, of conspiracy to steal mail and possess stolen mail matter, and possession of stolen mail matter, in violation of 18 U.S.C. Sections 371 and 1708; conspiracy to defraud the United States with respect to claims, in violation of 18 U.S.C. Section 286; and being an alien in possession of a firearm, in violation of 18 U.S.C. Section 922(g)(5).
4. After having been removed from the United States on August 6, 2013, the defendant entered the United States without being admitted or paroled, at a time or place other than as designated by the Attorney General.

5. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, of the following offense: Count One of the Information, which charges the defendant with reentry of a removed alien subsequent to a conviction of an aggravated felony, in violation of 8 U.S.C. Sections 1326(a) and (b)(2).
6. A total maximum sentence of 20 years imprisonment may be imposed for the above-mentioned offense.
7. The defendant is, and at time of sentencing will be, subject to removal from the United States pursuant to Section 212(a)(7)(B)(i)(II) of the Immigration and Nationality Act of 1952 (“INA”), as amended, 8 U.S.C. § 1182(a)(7)(B)(i)(II), as a nonimmigrant who is not in possession of a valid nonimmigrant visa or border crossing identification card at the time of application for admission; The defendant is, and at time of sentencing will be, subject to removal from the United States pursuant to Section 212(a)(6)(A)(i) of the INA, 8 U.S.C. Section 1182(a)(6)(A)(i), as an alien who is present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General; and section 212(a)(9)(C)(i)(II) of the INA, 8 U.S.C. Section 1182(a)(9)(C)(i)(II), as an alien who has been ordered removed under section 235(b)(1), section 240, or any other provision of law, and who enters or attempts to reenter the United States without being admitted.
8. The defendant has waived his right to notice and a hearing under Section 238(c) of the Act, 8 U.S.C. § 1228(c).

9. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.
10. The defendant has designated the Dominican Republic as the country for removal pursuant to Section 240(d) of the Act, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the Act, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to the Dominican Republic.

Dated: New York, New York
April 3, 2024
~~APR 03 2024~~



HONORABLE GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE